

**Enrolled Minutes of the Forty-Seventh Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, December 14, 2009**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 14, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Brian Novak and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council inquired about the increased size of the Tax Anticipation Warrants for FY 2010 over FY 2009.

The study session ended at 6:59 O'clock P.M.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 14, 2009 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with Councilor Bernie Zemen leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark Herak, Brian Novak, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Cecile Petro, Redevelopment Director were present.

Ed Dabrowski of the Park and Recreation Board; and Dan Stombaugh of the Town Board of Metropolitan Police Commissioners were also present. Robin Carlascio, of the Idea Factory, Editor of the Municipal newsletter was also present.

**Minutes of the Previous Meeting**

The minutes of the regular meeting of November 23, 2009 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2009 Budget **Special Public Safety Fund in the amount of \$12,000.00**
  - (a) Attorney verification of Proofs of Publication: (The TIMES 25 November 2009) The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2009-61:** An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget Special Public Safety Fund in the amount of \$12,000.00. *This is needed to support the Wilson-Estes Agreement previously approved contingent upon this funding.*

Councilor Herak introduced and moved for the consideration at the same meeting of introduction of Enactment No. 2009-61. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Herak moved for the passage and adoption at the same meeting of introduction of Enactment No. 2009-61. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2009-61**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, I.C. 36-1-3 ET SEQ., and SECTION 477 OF PUBLIC LAW 182-2009 (SS)**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** as herein named and for the purposes herein specified, subject to the laws governing the same:

**SPECIAL PUBLIC SAFETY FUND:**

Acct. No. 3XX.XX Architect Professional Services:	<u>\$ 12,000.00</u>
Total Series:	\$ 12,000.00
<b>Total for Fund:</b>	<u><u>\$ 12,000.00</u></u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14<sup>th</sup> Day of December 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of December 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for November 2009**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	2	2	0	\$625,000.00	\$7,339.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	76	76	0	\$387,430.00	\$7,517.00
Addit/Remodel					
Commercial	3	0	3	\$422,053.00	\$3,964.00
Addit/Remodel					
Schools/Church	0	0	0	\$0.00	\$0.00
remodel/addtn.					
Sheds	0	0	0	\$0.00	\$0.00
Fences	5	5	0	\$17,163.00	\$519.00
Garages	2	2	0	\$27,306.00	\$662.50
Decks & Porches	4	4	0	\$23,332.00	\$609.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Drain	3	3	0	\$17,902.00	\$406.00
Tile/Waterproofing					
Misc. Permits	2	2	0		\$156.50
Misc. other	0	0	0	\$0.00	\$0.00
Signs	3	0	3	\$15,754.00	\$906.50
Fire Repair	0	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>100</b>	<b>94</b>	<b>6</b>	<b>\$1,535,940.00</b>	<b>\$22,079.50</b>
<b>Electrical</b>	<b>13</b>	<b>10</b>	<b>3</b>		<b>\$1,909.00</b>
<b>Permits</b>					
<b>Mechanical</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>\$680.50</b>
<b>Permits</b>					
<b>Plumbing</b>	<b>11</b>	<b>9</b>	<b>2</b>		<b>\$1,647.95</b>
<b>Permits</b>					
<b>Water Meters</b>	<b>2</b>	<b>1</b>	<b>1</b>		<b>\$590.00</b>
<b>Water Taps</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>\$200.00</b>
<b>Sewer Taps</b>	<b>2</b>	<b>2</b>	<b>0</b>		<b>\$600.00</b>
<b>Total:</b>	<b>16</b>	<b>13</b>	<b>3</b>		<b>\$3,037.95</b>

**November Code Enforcement:** 214 warnings and 42 citations were issued.

There were 30 final building inspections, 11 plumbing inspections, and 35 electrical inspections. There were two electrical exams given.

• **Fire Department Report for October 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	9	104	127	
Car Fires	0	11	14	
Still Alarms	5	81	123	
Ambulance calls	0	0	1	

• **Fire Department Report for November 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	4	108	127	
Car Fires	1	12	14	

Still Alarms	7	88	123
Ambulance calls	0	0	1

• **Workplace Safety Report for November 2009**

There were three incidents reported in the month. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	2	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	2	9	8	0	0	0	21
Street	0	3	6	0	0	3	2
Water & Sewer	1	3	6	0	82	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	3	17	25	0	82	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

• **Home Rule Board Appointment**

1. Legislative Appointment of **Representative to the Board of Trustees** of the IACT Medical Trust Board of Trustees. *The Town Council on 12 October 2009 adopted Resolution No. 2009-5 approving the Town of Highland's participation in the formation of the IACT Medical Trust. Pursuant to the terms of the Agreement, the Town of Highland is to make an appointment to the Board of Trustees who must be an "official of the municipality."*

Councilor Herak moved that the *Clerk-Treasurer Michael W. Griffin* be appointed to the IACT Medical Trust Board of Trustees. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Highland Clerk-Treasurer was duly appointed to the board of trustees of the IACT Medical Trust.

**Unfinished Business and General Orders:**

1. **Works Board Order No. 2009-43:** An Order Adopting and Approving An Agreement Between the State of Indiana through its Department of Transportation and the Town of Highland, Through its Town Council/Works Board for Project Coordination, supported by American Recovery and Reinvestment Act (ARRA) Funding for the resurfacing of 45<sup>th</sup> Avenue from Kennedy Avenue to Kleinman Road.

Councilor Herak moved the passage and adoption of Works Board Order No. 2009-43. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND  
BOARD OF WORKS  
Order of the Works Board No. 2009-43

AN ORDER ADOPTING AND APPROVING AN AGREEMENT BETWEEN THE STATE OF INDIANA THROUGH ITS DEPARTMENT OF TRANSPORTATION AND THE TOWN OF HIGHLAND, THROUGH ITS TOWN COUNCIL/WORKS BOARD FOR PROJECT COORDINATION, SUPPORTED BY AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING FOR THE RESURFACING OF 45<sup>TH</sup> AVENUE FROM KENNEDY AVENUE TO KLEINMAN ROAD.

**WHEREAS**, The Town Council of the Town of Highland serves as the Works Board of the Town, pursuant to IC 36-1-2-24(3);and

**WHEREAS**, The Town of Highland is a unit, which may establish, vacate, maintain and operate public ways, all pursuant to I.C. 36-9-2-5

**WHEREAS**, The Public Works Director, pursuant to his powers and duties as set forth in Section §33.43 of the Highland Municipal Code, manages and has charge of the Street Department, and has recommended that the Town Council adopt an Agreement with the Indiana Department of Transportation to support the Federal source funding of a certain resurfacing project; and

**WHEREAS**, The Town Council has reviewed the agreement as recommended by the Public Works Director and now wishes to authorize the project and adopt the agreement;

**NOW, THEREFORE, BE Ordered**, by the Town Council of Highland, Indiana, acting as the Works Board:

**Section 1.** That the resurfacing of 45<sup>th</sup> Avenue from Kennedy Avenue to Kleinman Road, is hereby authorized and approved;

**Section 2** That the agreement entitled *Indiana Department of Transportation Local Public Agency Project Coordination Contract*, a copy of which is incorporated as an exhibit to this order, is hereby authorized and approved;

**Section 3.** That the Town Council President is hereby authorized and instructed evidence approval of the agreement by affixing his signature as attested thereto by the Clerk-Treasurer, and affix his signature to such other documents as are necessary to support the execution of the agreement;

**Section 4.** That any actions taken prior to the adoption of this works board now authorized by its adoption, are hereby ratified and approved, all pursuant to IC 36-1-4-16.

**Be it So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2009-44:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Christenson Chevrolet for One (1) 2010 Chevrolet Impala Police Car with Special Police Equipment Packages, pursuant to IC 5-22 and §31.18(C) and §31.20(G) of the Highland Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-44. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2009-44**

**An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Christenson Chevrolet for One (1) 2010 Chevrolet Impala Police Car, pursuant to IC 5-22 and §31.18(C) and §31.20(G) of the Highland Municipal Code.**

**Whereas**, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas**, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined that since the unit price and the total contract price will be below \$25,000.00, so a quote from a single vendor

known to deal in the market was sought for the purchase of one (1) 2010 Chevrolet Impala Police Car 4-door sedan, pursuant to §31.20(G)(2) of the Highland Municipal Code;

**Whereas**, The Metropolitan Police Chief has identified Christenson Chevrolet to be a desirable source vendor for the purchase of one (1) Chevrolet Impala Police Car 4 door sedan at a unit price of \$21,593.00;

**Whereas**, The contract price for the purchase exceeds \$10,000.00 and, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

**Whereas**, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(3) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas**, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas**, The Purchasing Agent, pursuant to §31.20(G) of the Highland Municipal Code, expected that the purchase would not be in excess of \$25,000.00 and, therefore, would like to purchase in the open market in accordance with §31.20(G) of the Highland Municipal Code; and

**Whereas**, The purchase of the police car will be supported by appropriation in the Municipal Cumulative Capital Development Fund, a sufficient appropriation exists in order to support the purchase; and

**Whereas**, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

**Now Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed small purchase pursuant to IC 5-22 and §31.20 (G)(2) of the Highland Municipal Code;

**Section 2.** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-1-4-14.

**Be It So Ordered.**

**DULY, PASSED, ADOPTED AND ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2009-45:** An Order of the Works Board Rejecting a Quotation from Smith Chevrolet and Accepting the Quotation of Christensen Chevrolet for One (1) 2009 Chevrolet CC4500, Regular Cap, 2WD, Dump Truck in the amount of \$38,773.42, including the trade-in of One (1) Chevrolet 3500HD Dump Truck, as the Lowest Responsive and Responsible Quote.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-45. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2009-45**

**An Order of the Works Board Rejecting a Quotation from Smith Chevrolet and Accepting the Quotation of Christensen Chevrolet for One (1) 2009 Chevrolet CC4500, Regular Cap, 2WD, Dump Truck in the amount**

of \$38,773.42, including the trade-in of One (1) Chevrolet 3500HD Dump Truck, as the Lowest Responsive and Responsible Quote

**Whereas,** The Town of Highland, Department of Public Works, has determined a need to purchase a **Medium-duty Dump Truck** in order to carry out its various responsibilities and had prepared specifications for equipment pursuant to that need; and

**Whereas,** The Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

**Whereas,** The Purchasing Agent, pursuant to §31.20(F) of the HMC, expected that the purchase would be more than \$25,000 but not more than \$75,000 and invited quotes in accordance with §31.20(F) of the HMC; and

**Whereas,** The Purchasing agent invited quotes, pursuant to §31.20(G) of the HMC, to be received at 4:00 p.m. on November 24, 2009, from the following vendors:

Christensen Chevrolet, Inc.	Webb Ford	Smith Chevrolet	Webb Ford	Monroe Truck
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**Whereas,** The following quotes have been received:

<u>Company Make and Model</u>	<u>Quote</u>	<u>Trade-in</u>	<u>Net</u>
Christensen Chevrolet 2009 Chevrolet CC4500	\$43,573.42	\$4,000.00	\$38,773.42
Smith Chevrolet 2010 Chevrolet 3500HD	\$39,275.00	\$0.00	\$39,275.00

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

**Whereas,** The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and; and

**Whereas,** The purchase will be supported through a Lease Purchase Agreement with First Midwest Bank pursuant to Order of the Works Board No. 2009-35; and

**Whereas,** The Town Council now desires to approve and authorize the Public Works Director to complete the purchase pursuant to the terms stated herein.

**Now Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the quote of Smith Chevrolet in the amount of \$39,275.00 is hereby rejected as the bid was not responsive to the specifications in that it did not meet the minimum Gross Vehicle Weight of 17,000 pounds and did not provide a price for the trade-in unit;

**Section 2.** That the quote of **Christensen Chevrolet** in the amount of Forty-three Thousand Five Hundred Seventy-three Dollars and 42/100 cents (\$43,573.42) less Four Thousand Eight Hundred Dollars and no Cents (\$4,800.00) trade-in of one (1) 2000 Chevrolet 3500 HD Dump Truck VIN # 1GBKC34J1YF434882 (Net Purchase Price of Thirty-eight Thousand Seven Hundred Seventy-three Dollars and no Cents (\$38,773.42) for the purchase of **one (1) 2009 Chevrolet CC4500 Dump Truck** is hereby accepted as the lowest responsive and responsible bid;

**Section 3.** That the Public Works Director is hereby authorized to execute all documents necessary to implement the purchase thereof;

**Be It So Ordered.**

**DULY, PASSED, ADOPTED AND ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 4. Works Board Order No. 2009-46:** An Order Authorizing and Approving the First Change Order to the Construction Contract related to the Ridgewood Avenue

Reconstruction Project, all Pursuant to I.C. 36-1-12-18. If adopted, will reduce the net cost of the contract in the amount of \$996.55.

Councilor Novak moved the passage and adoption of Works Board Order No. 2009-46. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Order of the Works Board No. 2009-46**

**An Order Authorizing and Approving the First Change Order to the Construction Contract related to the Ridgewood Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18.**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Ridgewood Avenue, with the project commonly known as the Ridgewood Avenue Reconstruction Project; and

**Whereas**, The Town Council has heretofore awarded a contract to Grimmer Construction, Incorporated for the Project on July 27, 2009 in the amount of Four Hundred Thirty-four Thousand Eight Hundred Forty-one Dollars and 89/100 Cents (\$434,841.89); and

**Whereas**, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Grimmer Construction, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board:

**Section 1.** That the First Addendum to the Construction Contract with Grimmer Construction, Inc. for the **Ridgewood Avenue Reconstruction Project**, as prepared by Garcia Consulting, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as Change Order No. 1, issued to *reduce the net cost* to the original agreement between the Town of Highland and Grimmer Construction Co., Incorporated in the amount of Nine Hundred Ninety-six Dollars and 55/100 Cents (\$996.55), bringing the total value of the entire agreement with any and all change orders approved to date to Four Hundred Thirty-three Thousand Eight Hundred Forty-five Dollars and 34/100 Cents (\$433,845.34);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Four Hundred Thirty-four Thousand Eight Hundred Forty-one Dollars and 89/100 Cents (\$434,841.89) which may not exceed Five Hundred Twenty-one Thousand Eight Hundred Ten Dollars and 27/100 Cents (\$521,810.27), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)



Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2009-47:** An Order for the Temporary CLOSING of Municipal Building at the Municipal Building on Tuesday, December 22, 2009.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-47. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Board of Works  
Order of the Works Board No. 2009-47**

AN ORDER for the TEMPORARY CLOSING OF MUNICIPAL BUILDING at the  
MUNICIPAL BUILDING on TUESDAY, DECEMBER 22, 2009

**Whereas**, The Town Council has been reliably advised that owing to worker initiated holiday events and needed opportunities to address administrative needs, it may be advisable to reduce access hours to the municipal building while maintaining a scheduled workday;

**Whereas**, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

**Whereas**, The Town Council now desires to modify the access hours of the Highland Municipal Building on Tuesday, December 22, 2009;

**Now Therefore be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1** That the usual hours of public access at the administrative and associated offices (non-public safety) at the Highland Municipal Building on Tuesday, December 22, 2009 are hereby fixed at **8:30 a.m. to 1:30 p.m.** but the usual hours of operation or the scheduled workday are unchanged;

**Section 2.** That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order;

**Section 3.** That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

**Section 4.** That this order shall be effective on and from its passage and adoption body;

**Be it so Ordered.**

**DULY, PASSED, ADOPTED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Resolution No. 2009-60:** A Resolution Fixing the amount of the Faithful Performance Bond of the Clerk-Treasurer, pursuant to IC 5-4-1-18(2).

Councilor Herak moved the passage and adoption of Resolution No. 2009-60. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND**  
**Town Council Resolution No. 2009-60**

**A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.**

**WHEREAS**, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

**WHEREAS**, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

**WHEREAS**, The Highland Town Council now desires to comply with the provisions of law identified herein,

**NOW, THEREFORE, BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year 2010 in the amount of Three Hundred Thousand Dollars (\$300,000);

**Section 2.** That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c), which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, which such amount being in Fiscal Year 2008 a net revenue of Twenty-nine million, five hundred twenty-seven thousand, two hundred twenty-one dollars and thirty-seven cents (\$29,527,221.37) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

**Section 3.** That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution.

**DULY RESOLVED and ADOPTED** this 14<sup>th</sup> Day of December 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

- 7. Resolution No. 2009-62:** A Resolution Expressing the Interest of the Town Council in Possibly Acquiring Real Property located at 3305 Ridge Road and 8745 Cottage Grove, Authorizing, Ratifying, & Accepting Appraisals on the Property, all pursuant to IC 36-1-10.5 et seq.

Councilor Herak moved the passage and adoption of Resolution No. 2009-62. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland**  
**Resolution No. 2009-62**

**A Resolution Expressing the Interest of the Town Council in Possibly Acquiring Real Property located at 3305 Ridge Road And 8745 Cottage Grove Avenue, Authorizing, Ratifying, and Accepting Appraisals the Property, all Pursuant to IC 36-1-10.5 et seq.**

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality pursuant to IC 36-1-2 et seq., and

**Whereas,** The Town Council for the Town of Highland has previously acquired certain real estate, legally described as Lot 1 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3315 Ridge Road, and Lot 2 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3309 Ridge Road in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

**Whereas,** The Town Council for the Town of Highland is now interested in acquiring certain real estate, legally described as Lot 3 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3305 Ridge Road, and Lot 4, Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 8745 Cottage Grove Avenue, in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

**Whereas,** Pursuant to IC 36-1-10.5-5, the Fiscal Body of the Town of Highland shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure and shall appoint two (2) appraisers to appraise the market value of the land or structure; and

**Whereas,** The Town Council for the Town of Highland has engaged the appraisal services of **Bochnowski Appraisal Company** and **KVT, Incorporated**, both trained and licensed as brokers under IC 25-34.1, to appraise the fair market value of the property located at 3305 Ridge Road, and 8745 Cottage Grove Avenue, at a fee of \$300 per appraisal for the Bochnowski appraisals, and \$350 per appraisal for the KVT appraisals, for a total appraisal expenditure of in the sum of \$1,300.00; and

**Whereas,** Bochnowski Appraisal Company and KVT, Incorporated have prepared and submitted written appraisals for the properties located at 3305 Ridge Road and 8745 Cottage Grove Avenue, and have determined the fair market value as follows:

<u>Location</u>	<u>Bochnowski</u>	<u>KVT, Inc.</u>	<u>Average</u>
3305 Ridge Road	\$126,000	\$132,000	\$129,000
8745 Cottage Grove Avenue	\$127,000	\$132,000	\$129,500

**Whereas,** The Town Council now desires to express its interest to purchase said real property and to approve, ratify and accept the appraisals of the property.

**Now Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Town Council hereby expresses its interest to purchase real property located at 3305 Ridge Road and 8745 Cottage Grove Avenue, pursuant to IC 36-1-10.5-5(1);

**Section 2.** That the Town Council hereby authorizes, ratifies, and approves the appraisals, attached hereto and incorporated by reference, as prepared by **Bochnowski Appraisal Company** and **KVT, Incorporated**, for real property located at 3305 Ridge Road and 8745 Cottage Grove Avenue;

**Section 3.** That the Municipal Fiscal Officer is hereby authorized to expend Town funds to pay for said appraisals.

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana this 14<sup>th</sup> day of December 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

*Attest:*

Michael W. Griffin, **IAMC/MMC/CFPA**  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 8. Resolution No. 2009-63:** A Resolution Authorizing a Temporary Interfund loan from the Rainy Day Fund to the Parks District Bond and Lease Fund, all pursuant to IC 36-1-8-4. *Owing to delay of property tax distributions, a temporary loan in the amount of 65,600 is desirable for cash flow purposes to be repaid by 31 December 2010.*

Councilor Novak moved the passage and adoption of Resolution No. 2009-63. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
RESOLUTION NO. 2009-63

**A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4**

**Whereas**, The Clerk-Treasurer has advised the Town Council that cash balance in the **Parks District Bond and Lease Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

**Whereas**, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of **\$65,500.00** be borrowed for the **Parks District Bond and Lease Fund** with the amount of **\$65,500.00** to be loaned by the **Rainy Day Fund**;

**Section 2.** That said loan in the amount of **\$65,500.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Parks District Bond and Lease Fund** with such loan to be repaid no later than December 31, 2010, subject to IC 36-1-8-4(b).

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 14<sup>th</sup> day December 2009. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Dan Vassar, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

9. **Resolution No. 2009-64:** A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection Department, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 36-7-9-14.

Councilor Novak moved the passage and adoption of Resolution No. 2009-64. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN COUNCIL of the TOWN of HIGHLAND  
RESOLUTION NO. 2009-64

**A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection Department, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 36-7-9 et seq.**

**WHEREAS**, The Town of Highland by proper legislative action, has established an unsafe building fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

**WHEREAS**, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Building and Inspection Department of the Corporation General Fund**, all pursuant to IC 6-1.1-18-6.

**WHEREAS**, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection Department of the Corporation General Fund;

WHEREAS, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing appropriations of the Building and Inspection Department of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

**Building and Inspection Department**

Reduce Accounts: #210.01 Gasoline & Oil	\$ 2,300.00
#210.02 Tire & Tubes	<u>\$ 200.00</u>
<i>Total 200 Series Reductions</i>	\$ 2,500.00
 Reduce Accounts: #310.01 Legal Fees	\$ 6,000.00
#310.02 Engineer Fees	\$ 4,000.00
#310.04 Tuition & Training	\$ 300.00
#330.03 Notices of Zoning Change	\$ 400.00
#340.23 Group Health Premiums	\$ 9,300.00
#360.01 Equipment Repairs	\$ 100.00
#380.06 Service Agreements	\$ 100.00
#390.01 Subscriptions & Dues	\$ 300.00
#390.02 Refunds, Awards, Indemnities	\$ 100.00
#390.14 Nuisance Enforcement	<u>\$ 3,400.00</u>
<i>Total 300 Series Reductions</i>	\$ 24,000.00
 Increase Account: #310.05 Unsafe Building Demolition:	<u>\$ 26,500.00</u>
<i>Total 300 Series increases</i>	\$ 26,500.00

**Section 3.** That the Town Council now has determined that there is a need at this time to provide money for the **Unsafe Building Fund**, pursuant to IC 36-7-9-14 (b) and that an appropriation in the amount of \$26,500.00 has been identified in the Building and Inspection Department of the Corporation Fund;

**Section 4.** That the Clerk-Treasurer be and is hereby directed to transfer the amount of **\$26,500.00 from the Account 310.05 of the Building and Inspection Department of the Corporation General Fund** to the **Unsafe Building Fund**, where the proceeds of the transfer shall be receipted as cash on deposit to the credit of that fund.

**Section 5.** That any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund, pursuant to Section § 210.116 of the Municipal Code and IC 36-7-9-14(a).

**Section 6.** That money on deposit to the credit of the fund shall be expended, according to the purposes set forth in IC 36-7-9-14(c) upon proper appropriation, pursuant to IC 36-7-9-14(d), IC 36-5-4-2.

**Section 7.** That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to transfer the amount, as identified, to the Unsafe Building Fund.

**DULY RESOLVED and ADOPTED** this 14<sup>th</sup> Day of December 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

10. **Proposed Ordinance No. 1444:** AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE TAX ANTICIPATION WARRANTS THEREFORE FOR THE YEAR 2010, ALL PURSUANT TO I.C. 36-5-2-12.

Councilor Herak introduced and moved for the consideration at the same meeting of introduction of Ordinance No. 1444. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Kuiper moved for the passage and adoption at the same meeting of introduction of Ordinance No. 1444. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

TOWN OF HIGHLAND  
ORDINANCE No. 1444

AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE TAX ANTICIPATION WARRANTS THEREFORE FOR THE YEAR 2010, ALL PURSUANT TO I.C. 36-5-2-12.

**WHEREAS**, The Town Council of the Town of Highland ("Town") hereby finds that an emergency exists for the borrowing of money with which to meet the expenses of said Town that will be incurred at the end of 2009 and in 2010 to be paid from the Town *General Fund*, and the *Parks & Recreation Fund*, all of said Town, which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2008, collectible in the year 2009 as well as taxes for the year 2009 collectible in the year 2010 and thereafter;

**WHEREAS**, The Clerk-Treasurer has presented to the Town Council a recommendation that the Town issue a temporary loan in the amount not to exceed **\$3,393,000** for the *General Fund* and the *Parks & Recreation Fund*, in the amounts and subject to the terms hereinafter set forth:

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED** by the Town Council of the Town of Highland, Indiana ("Town"), as follows:

**Section 1.** That the Town issue a temporary loan for and on behalf of the General Fund and the Parks & Recreation Fund in the aggregate *amount not to* **\$3,393,000**. The loans shall be used for meeting expenses of the Town included in the regular budget and appropriations adopted for the year 2010 which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2010, including but not limited to the refinancing of warrants for such funds that will mature in 2009.

**Section 2.** That such temporary loan shall be evidenced by warrants of the Town dated as of the date of delivery thereof, bearing interest at a rate not to exceed **6% per annum** (*the exact rate to be determined by bids*), which interest shall be payable at the time of the final payment of the principal of said warrants and said warrants shall mature and be payable as follows:

<u>FUND</u>	<u>TOTAL</u>	<u>MATURING</u>
General	\$ 2,780,000	December 31, 2010
Parks & Recreation	\$ 613,000	December 31, 2010

**Section 3.** That interest shall be calculated on a **365 day basis**. A sufficient amount of the revenues of the Town to be derived from the Town General and the Parks & Recreation Funds' levy is hereby appropriated and pledged for the payment of the principal amount of said warrants to be issued at maturity on account of the taxes for the year 2009, collectible in the year 2010 and thereafter, and a sufficient amount of the revenues of the Town to be derived from such Fund is hereby appropriated and pledged for the payment of interest on said warrants at maturity.

**Section 4.** That the Clerk-Treasurer of said Town is hereby authorized and directed to pay the principal amount of the warrant of the tax revenues of each fund and the interest on the warrants from the designated Fund upon the presentation thereof at or after maturity. *The warrants will be delivered on or about December 29, 2009.*

**Section 5.** That said warrants shall be signed by the President of the Town Council and the seal of the Town shall be affixed thereto and attested by the signature of the Clerk-Treasurer of the Town.

**Section 6.** That said warrants shall be payable at the office of Clerk-Treasurer of the Town. Said warrants shall, on the face thereof, indicate that it is issued for the Town General and the Parks & Recreation Funds and payable out of the respective Fund's revenues.

**Section 7.** That said warrants shall be issued in substantially the following form, all blanks to be properly filled in prior to delivery, to-wit:

No. \_\_\_\_

UNITED STATES OF AMERICA  
STATE OF INDIANA COUNTY OF LAKE  
TOWN OF HIGHLAND, INDIANA  
TEMPORARY LOAN WARRANT  
\_\_\_\_\_ FUND

FOR VALUE RECEIVED, The Town of Highland, Indiana, will pay to \_\_\_\_\_ at the office of the Clerk-Treasurer, Lake County, Indiana, on December 31, 2010, the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) with interest thereon, at the rate of \_\_\_\_% per annum, computed from the date hereof to the date of maturity, calculated on a 365-day basis.

This warrant evidences a temporary loan aggregating \_\_\_\_\_ ( \_\_\_\_\_ ) authorized by Ordinance passed and adopted by the Town Council of Highland, Indiana on \_\_\_\_\_, and in accordance with Indiana Code, Article 36, Title 5, Chapter 2, and all other acts amendatory thereof or supplemental thereto, for the purpose of procuring a temporary loan for the \_\_\_\_\_ Fund of said Town.

This warrant is issued in anticipation of the tax levy made for the \_\_\_\_\_ Fund in the year 2009, collectible in the year 2010 and thereafter, which tax levy is now in the course of collection and to the payment of the principal amount and the interest thereon, of the revenues to be derived from the \_\_\_\_\_ Fund levy, a sufficient amount of the revenues to be derived from the \_\_\_\_\_ Fund levy has been and is hereby appropriated and pledged.

This temporary loan warrant has been designated as a qualified obligation pursuant to Section 265(b)(3) of the Internal Revenue Code.

It is hereby certified that in the execution of this warrant, all provisions of the Constitution and the Statutes of the State of Indiana relating thereto have been complied with, that the \_\_\_\_\_ Fund tax levy from the proceeds from which the principal amount of and interest thereon this warrant is payable, together with other revenues in that Fund, are valid and legal levies; and that said Town will reserve a sufficient amount in the \_\_\_\_\_ Fund for the payment of the principal of and interest on these warrants.

IN WITNESS WHEREOF, the Town of Highland, Indiana, has caused this warrant to be signed in its name by the President of the Town Council and attested by the Clerk-Treasurer as of the \_\_\_\_ day of December, 2009.

TOWN OF HIGHLAND, INDIANA

By: \_\_\_\_\_  
President of the Town Council  
Town of Highland, Indiana

Attest:

\_\_\_\_\_  
Clerk-Treasurer  
Town of Highland, Indiana

\*\*\* End of Form of Warrant\*\*\*

**Section 8.** The Clerk-Treasurer shall cause to be published a Notice of such sale in accordance with legal requirements. The Notice shall state the time and place of sale, the total amount thereof, the time of payment, the terms and conditions on which bids shall be received and the sale made, and such other information as the Clerk-Treasurer shall determine necessary or appropriate to inform prospective bidders.

**Section 9.** Bidders shall **not** submit a good faith deposit.

**Section 10.** The Town Council hereby authorizes the Clerk-Treasurer to receive and open the bids and upon compilation of the bids, to award the warrants to the bidder providing the lowest interest cost.

**Section 11.** The Clerk-Treasurer shall award the tax anticipation warrants to the highest responsible and responsive bidder. All bids shall be not less than par. Such highest bidder shall be the one who offers the lowest net interest cost to the Town of HIGHLAND to be determined by computing the total interest on all of the warrants to their maturities, and deducting therefrom the premium bid, if any.

**Section 12.** The Clerk-Treasurer shall have full right to reject any and all bids and to waive any informalities.

**Section 13.** That in order to preserve the exclusion of interest on any tax exempt series of warrants from gross income for Federal income tax purposes and as an inducement to purchasers of the warrants, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another governmental unit, will use proceeds of the warrants or property financed by the warrant proceeds other than the Town or another governmental unit will own property financed by warrant proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or to any other type or arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No warrant proceeds will be loaned to any entity or person. No warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the warrant proceeds.

(c) The Town will, to the extent necessary to preserve the exclusion of interest on the tax-exempt warrants from gross income for federal income tax purposes, rebate all required arbitrage profits on warrant proceeds or other monies treated as warrant proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such monies in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The Town will file an information report with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

(e) The Town will not take any action nor fail to take any action with respect to the warrants that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the tax-exempt warrants pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the warrants, nor will the Town act in any other manner which would adversely affect such exclusion.

**Section 14.** That the Town represents that tax-exempt obligations issued by or on behalf of it and any entity subordinate to it in the calendar year 2009 will not exceed **\$30,000,000** and that there are no entities to which it is subordinate. The Town hereby designates the warrants as qualified obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

**Section 15.** That all ordinances in conflict with this one are hereby repealed and have no further force or effect.

Introduced and Filed on the 14<sup>th</sup> day of December 2009. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 14<sup>th</sup> Day of December 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**11. Proposed Ordinance No. 1445:** An Ordinance to Amend THE COMPENSATION, Benefits and PERSONNEL Program of the Municipality, to be known as the Compensation and Benefits Ordinance and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes, particularly regarding the Time of enrollment in the Group health/Medical Insurance Plan for certain Personnel.



Councilor Herak introduced and moved for the consideration at the same meeting of introduction of Ordinance No. 1445. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved for the passage and adoption at the same meeting of introduction of Ordinance No. 1445. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1445  
OF THE  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, TO BE KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE AND REPEALING PRIOR ORDINANCES AND ENACTMENTS IN CONFLICT THEREWITH, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES, PARTICULARLY REGARDING THE TIME OF ENROLLMENT IN THE GROUP HEALTH/MEDICAL INSURANCE PLAN FOR CERTAIN PERSONNEL.**

**WHEREAS,** The Town Council is the fiscal and legislative body of the Town of Highland;

**WHEREAS,** IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS,** IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS,** IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

**WHEREAS,** IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

**WHEREAS,** IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

**WHEREAS,** The Town Council has determined that an amendment of a program for compensation, benefits and personnel management for its public workforce, particularly regarding use of personal property of the municipality, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

**WHEREAS,** The Town Council now desires to make such an amendment;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the established compensation, benefits and personnel program of the municipality pursuant to and consistent with the provisions of the relevant governing law, is found and determined to require certain modification;

**Section 2.** That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance", is hereby amended as follows:

**§ 6.03            Group Health Insurance**

The Town will provide a health insurance plan for all full-time employees, ~~and the Clerk-Treasurer, and their dependents.~~ The Town reserves the right to change alter, modify or cancel the insurance plan coverage with or without notification. The Town provides full-time employees, Clerk-Treasurer ~~and their dependents~~ with a group insurance plan ~~after an employee or the Clerk-Treasurer has completed at least thirty (30) days on the job. The in which the coverage begins on the first of the month after the successful completion of the first thirty (30) days of employment.~~ For specific details on the type and extent of coverage, please refer to the plan document, which will be provided at the time of enrollment.

**Section 3.** That amendments adopted by the passage of this ordinance, in its substantive parts shall be compiled into a complete and simplified version, excluding its preambles or formal recitals, featuring a cover and brief narratives regarding the municipality and inserted in to a presented in handbook or similar form, to be distributed to employees and officers of the municipality and may be referred to as the Employee Handbook;

**Section 4.** That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

**Section 5.** That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 14<sup>th</sup> day of December 2009. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 14<sup>th</sup> Day of December 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

12. **Proposed Ordinance No. 1446:** An Ordinance to Amend Title XVII, Creating Chapter 177 of the Highland Municipal Code, regarding Public Works Projects, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-9-25 et sequitur.

Councilor Zemen introduced and filed Ordinance No. 1446. There was no further action.

13. **Action to authorize the rescheduling of the regular standing business meeting of the Town Council of December 28 to December 29 and to authorize a special study session for Tuesday December 22, 2009 to begin at 5:30 p.m.** • Councilor Zemen moved that the standing meeting of the Town Council for Monday, December 28, 2009 be rescheduled for Tuesday, December 29, 2009 with a study session at 6:30 p.m. and the plenary session to begin at 7:00 p.m.; he further moved that a special study session be called for Tuesday, December 22, 2009 at 5:30 p.m. for the purpose of interviewing prospective candidates for possible appointment to various boards and commissions. Councilor Novak seconded. *(Under the terms of the Section § 30.27 of the Municipal Code, a two-thirds vote is necessary for the rescheduling of a regular meeting.)* Upon a roll call vote, there were five affirmatives and no negatives, the motion passed. The regular meeting of December 28 was rescheduled for December 29 and the special study session was authorized.

14. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

(A) The Police Chief requests favorable action for P. Vassar, who is an exempt salaried worker in the Metropolitan Police Dept.

Councilor Herak moved to authorize and grant the overtime as requested. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors Zemen, Herak, Novak, and Kuiper voting in the affirmative and Councilor Vassar abstaining, the motion passed. The overtime was authorized and approved.

Councilor Vassar indicated he desired to abstain from the vote as it involved his brother and he chose to avoid the appearance of a conflict of interest.

15. Action to approve pay for (part-time) employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1375 the Wage and Salary Ordinance, as amended.

(A) The Fire Chief requests favorable action to permit hiring a part-time worker at **\$11.21 per hour**, which position's pay range is \$7.25 to \$12.50 hourly. The position is departmental secretary

Councilor Herak moved to authorize, approve and allow the hiring of a part-time worker as secretary with starting pay at the higher rate of \$11.21 instead of the starting rate of \$7.25 per hour. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher starting rate was authorized, approved and allowed.

#### **Comments from the Town Council Members (Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Chamber of Commerce Co-Liaison • Lake County Solid Waste Management District Board of Directors • President's designee to Selection Centennial Commission.*

Councilor Zemen offered holiday greetings and wishes to all.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak offered holiday greetings and wishes to all. Councilor Herak also expressed condolences to the colleagues and family of Perry Ferrini, Schererville Town Council President, on his death.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member • Chamber of Commerce Co-Liaison.*

Councilor Novak congratulated the Fire Chief and the Metropolitan Police on their apparently successful action in obtaining a special Federal grant to support the special "Opticom" system.

- **Councilor Konnie Kuiper:** • *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper also congratulated the Fire Chief and the Metropolitan Police on their apparently successful action in obtaining a special Federal grant to support the special

"Opticom" system. Councilor Kuiper also noted that the Fire Chief conducted fire safety inspections of the public schools twice annually.

- **Councilor Dan Vassar:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners.*

Council President Vassar also offered holiday greetings and wishes to all.

#### **Comments from the Public or Visitors.**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, inquired about the status and disposition of the Highland Redevelopment Commission's "loan" (contract assignment) of \$1,750,000 to assist the City of Hammond's Redevelopment Commission's project at the site of the former River Park Apartments.

Mr. Volbrecht further inquired whether or not any actions had been taken related to statements attributed to members of the City of Hammond Board of Sanitary Commissioners in which they threatened to "cut Highland off" from sending Highland wastewater for treatment owing to concerns that Highland's flow was exceeding its daily flow limits of 7.5 million gallons per day.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period November 24, 2009 through to December 14, 2009. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

**General Fund, \$278,729.87; Motor Vehicle Highway and Street (MVH) Fund, \$22,467.88; Local Road and Street (LRS) Fund, \$3,854.04; Parks/VIPS Public Safety Fund, \$380.00; Law Enforcement Continuing Education and Training Fund, \$2,564.50; Corporation Bond and Interest Non-Exempt Fund, \$114,240.00; Flexible Savings Account (FSA) Agency Fund, \$2,232.80; Insurance Premium Fund, \$108,165.88; Gasoline Agency Fund, \$26,735.00; Information and Communications Technology Fund, \$7,000.42; Solid Waste District Grant Fund, \$7,380.62; Civil Donation Fund, \$1,336.75; Select Centennial Commission Fund, \$4,844.04; Police Pension Fund, \$177,828.33; Municipal Cumulative Development Fund, \$44,309.94; General Improvement Fund, \$12.00; Traffic & Law Violations Agency Fund, \$1,408.00; Gaming Revenue Sharing Fund, \$7,582.50; Corporation Capital Fund, \$29,459.72; Special Public Safety Fund, \$10,913.00; Payroll Fund, \$17.59. Total: \$851,462.88.**

**Adjournment.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of **Monday, December 14, 2009** was adjourned at 7:41 O'clock p.m.

No study session followed.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer